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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,893

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Umberto Marazzi

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EXAMINER

TYLER, STEPHANIE E

ART UNIT

PAPER NUMBER

3754

NOTIFICATION DATE

DELIVERY MODE

03/17/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/522,893	Applicant(s) MARAZZI ET AL.	
	Examiner STEPHANIE E. TYLER	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13,18,29,32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the limitation "outlet duct" in line 6, is lacking sufficient antecedent basis for this limitation in the claim.
3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is vague and indefinite because it recites a second valve before the first valve. Correction and clarity of the claim is requested.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13,15-18,23,24,26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann (2,849,159) in view of Brown (3,337,096).

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The Kaufmann reference discloses a fluid dispensing circuit consisting of a pump (34,62,54,64,78,76) including a variable-volume chamber/bellows (34) which consists of a flexible wall (see fig.1) and a head (76,78,12,14,20) having a main body (20,16) which an inlet duct (22) and an output duct (36) communicate with the variable chamber (34), and wherein a second valve (26) is inserted in the inlet duct (22) and a third valve (42) is inserted in the output duct (36); a delivery duct (46) connected to the output duct (36); and wherein the fluid dispensing circuit includes at least one reservoir (16) of fluids (18) to be dispensed; and wherein it consists of a control system (76,56,78,62,64) for controlling the pump (34,62,54,64,78,76) so as to deliver a predetermined quantity of fluid; and wherein the second valve (26) is partially open in the rest position; and wherein the second valve (26) has a travel which is different from the travel of the third valve (42); and wherein the second valve (26) and third valve (42) are the same type of valve; and wherein the second valve (26) and third valve (42) are oriented in opposite directions (see fig.1); and wherein the third valve (42) is fixed within the output duct (36).

However the Kaufmann reference lacks a nozzle and a one-way valve located along the delivery duct and outside the pump.

The Brown reference teaches a one-way valve (52) along a delivery duct/conduct (44) with a nozzle (44) and the one-way valve located outside the pump (10) and is formed to withstand higher pressure than the valve (30) located before the delivery duct/conduct (44) for the purpose of permitting only the outward flow of any liquid in nozzle" (col.3, line 5).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have reasonably modified the Kaufmann's device to include a one-way valve along the delivery duct and outside the pump as taught by Brown in order to provide the consumer with a safety mechanism on the pump device, in that the dispensing of fluid only happens with pump is in operation to dispense fluid by the one-way valve and the one-way valve prevents fluid from being dispensed when the pump is not in use.

6. Claims 19-22,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann (2,849,159) in view of Brown (3,337,096) as applied to claim 13 above, and further in view of Zoll (3,800,825).

The Kaufmann and Brown references disclose substantially all the structure and functionality of the invention. However both references lack the one-way valve having a knife-edge element.

The Zoll reference teaches a hollow one-way valve along a delivery duct/conduct (52) having an abutment (body of 10) inside the body of the valve consisting of a knife-edge element (28) for the purpose of creating a tight seal with the sealing gasket (30). Also the Zoll reference discloses a closure member (32); and the closure member consists of a flat abutment surface (surface of 30), and a resilient means/seal (30), and a filter (18,40,42; col.5, lines 15-19) inside of the valve (10).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have reasonably replaced each of the second and third valves of the Kaufmann device and the one-way ball valve of the Brown's device with a one-way valve having a knife-edge element as taught by Zoll in order to provide a cost effective way to manufacture a secure seal surrounding the inlet port of the valve device.

Response to Arguments

7. Applicant's arguments with respect to claims 13,15-32 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Douglas (3,085,715), Andrea et al. (6,457,607), Tygart (2,969,921), Du (5,230,443), Parkes (2,797,131) and Forsyth (3,149,753) are other various types of fluid dispenser circuits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE E. TYLER whose telephone number is (571)272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. E. T./
Examiner, Art Unit 3754

/Kevin P. Shaver/
Supervisory Patent Examiner, Art Unit 3754